



**Testimony of the  
Connecticut Association of Not-for-profit Providers For the Aging**

**Submitted to the Select Committee on Aging  
By Mag Morelli, President**

**January 27, 2009**

**Regarding**

**Senate Bill 450, An Act Concerning Nursing Home Oversight  
Senate Bill 452, An Act Concerning Funding for Adult Day Care Centers  
Senate Bill 453, An Act Concerning Financial Assistance to the State's Assisted  
Living Pilot Projects  
Senate Bill 454, An Act Concerning Nursing Home Staffing Levels  
Senate Bill 455, An Act Concerning the Nursing Home Bill of Rights  
House Bill 5312, An Act Concerning Criminal Background Checks for Employees  
of Homemaker-Companion Agencies**

The Connecticut Association of Not-for-profit Providers for the Aging (CANPFA), an organization of over 130 non-profit providers of aging services representing the full continuum of long-term care, submits the following testimony and regrets our inability to be present at today's hearing. CANPFA staff and members offer their assistance to the Committee as you consider the proposed bills before you today.

**Senate Bill 450, An Act Concerning Nursing Home Oversight**

CANPFA members understand the concern regarding the financial oversight of nursing home operations. We would like to work with the Committee, the Legislature, the Administration, and any other interested party to identify an efficient and effective method of monitoring the financial health of our nursing homes.

Regarding the specific recommendations of Senate Bill 450, we agree that the Nursing Home Advisory Committee should be activated to advise and guide the oversight function carried out by the various state agencies. However, we *strongly* believe that the Committee's role should remain *advisory* in nature. The regulation, investigation, audit and enforcement functions should remain with the state agencies currently empowered to perform these functions. These agencies should be held accountable for these functions and unnecessary duplication of cost and effort should be avoided.



**Senate Bill 453, An Act Concerning Financial Assistance to the State's Assisted Living Pilot Projects**

CANPFA has always supported the assisted living pilot project which incorporates the concept of using a partnership of private and public funds to finance assisted living services. While this pilot program has not served the needs of everyone, it has proven to be a valuable option for a segment of the population that can support this type of cooperative funding mechanism. We believe it is appropriate to expand the pilot's capacity and to move forward toward establishing it as a permanent option within our long-term care system.

**Senate Bill 452, An Act Concerning Funding for Adult Day Care Centers**

Most of the people CANPFA members serve are in their 70s, 80s and older. They have served their communities well over the years, and they choose to remain in their own homes. They know that the key to their independence is the availability of home and community-based services. Funding for these services, such as adult day services, must become a priority in order to prevent older adults with chronic medical problems from inappropriate nursing home placement.

Adult day centers are a wonderful and cost effective community based option for older adults who can receive the daily social interaction and medical care they need in a supervised and structured environment – and still remain in their own homes. Participation in an adult day center program can help families to delay and often avoid nursing home placement, making it an extremely cost effective option within the Connecticut Home Care Program. Right now these centers desperately need a rate increase to survive and it would be fiscally prudent on the part of the state to provide for such an increase.

**Senate Bill 454, An Act Concerning Nursing Home Staffing Levels**

CANPFA supports the underlying goal of this bill which is to raise the current minimum mandatory nursing home staffing levels to more appropriate levels. We also support the approach of calculating a staffing level over a twenty-four hour period as is proposed in the bill. Such a calculation allows a nursing home the flexibility to develop and maintain innovative scheduling models to better meet the individual needs of their residents.

The guiding principle is that nursing homes must have staff sufficient to meet the care needs of their residents. While we support this concept, we object to the specific use of the STRIVE Project as the basis for making this determination. The STRIVE Project was developed as a reimbursement tool and has never been successfully applied to staffing requirements. In fact, we have inquired and have not been able to identify any current method of utilizing the MDS data (which STRIVE is based on) for staffing level requirements.

When establishing appropriate staffing levels, it does make sense to incorporate the difference in staffing needs for an intermediate level of care (ICF) and a



skilled level of care (SNF). The ICF level of care is specific to Connecticut's licensure statutes and an ICF unit cares for lower acuity level residents. It would make sense to adjust the staffing requirements to recognize this level of acuity.

The Committee must recognize that there will be a need to provide additional funding to support an increase in staffing levels. Funding must be provided for both the recruitment of new staff as well as the *retention of current staff*. While on an average the state's nursing homes staff very well, there will be homes that will need to add additional staff and this need to hire will require other nursing homes to increase wages and benefit levels to stay competitive and retain their current staff. We would appreciate all efforts to provide the funding necessary to recruit, retain, and continuously train direct care staff.

#### **Senate Bill 455, An Act Concerning the Nursing Home Bill of Rights**

Although this bill addresses some of the issues CANPFA raised in connection with a similar bill proposed last year, we still have concerns.

First, there is no need for the proposed amendment to the section concerning third party guarantees. The resident bill of rights (19a-550(b) (26)) and another Connecticut statute (19a-539) already address third party guarantees. These provisions are consistent with federal OBRA requirements prohibiting nursing facilities from requiring a third party guarantee as a condition of admission or continued stay at a facility.

Second, the first two lines in Section 2 stating that resident rights may not be abrogated by contract is also unnecessary since all facilities must comply with state and federal resident rights requirements in any event. While CANPFA supports resident rights, we are concerned that a broad statement that rights may not be abrogated by contract could lead to confusion.

Finally, we strongly object to the institution of a \$1,000 fine relating to admissions agreements. Facilities are already subject to enforcement of state licensure and federal OBRA requirements that include review of facility compliance with resident bill of rights requirements. There is no need for this redundant measure.

#### **House Bill 5312, An Act Concerning Criminal Background Checks for Employees of Homemaker-Companion Agencies**

While not objecting to the proposed requirement to conduct criminal background checks for employees of homemaker-companion agencies, we must object to the specific requirement to utilize the State Police Bureau of Identification as the sole resource for the checks. Experience tells us that the State Police Bureau takes an excessively long time to complete these background checks and this time lag makes the process extremely burdensome and hampers the hiring process. We would propose allowing agencies the option of using commercial background check companies that provide the same service in a more efficient and less expensive manner.

